

FILED
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION
2007 DEC 11 AM 10 16

**FRANCINE E. BAILEY, DONALD L.)
BAILEY, ROBERTA SCHUTZ, and)
TECHIA and FAXON SCHUTZ, minors,)**

Plaintiff,

vs.

**SOUTHWEST MONTANA DRUG TASK)
FORCE, an agency of the State of)
Montana (DTF); BUTTE SILVER BOW)
UNIFIED GOVERNMENT (BSB), et)
al.,)**

Defendants.

PATRICK E. SUFFY, CLERK
BY _____
CV-07-310-BURFC CLERK

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
U.S. MAGISTRATE JUDGE**

On November 7, 2007, United States Magistrate Judge Carolyn S. Ostby entered her Findings and Recommendations on two motions: (1) State of Montana's Motion to Dismiss Amended Complaint (*Doc. 26*); and (2) Butte-Silver Bow Unified Government's (BSB) Motion to Dismiss Plaintiffs' Amended Complaint (*Doc. 28*). Magistrate Judge Ostby recommends the motions be granted, with prejudice, to the following extent:

- (1) as to the § 1983 claims against the State of Montana, BSB, Mazurek, Menzies, and any individual in his or her individual capacity; and
- (2) as to Plaintiffs' § 1985 claims.

Magistrate Ostby recommends the motions be denied with regard to the individual capacity § 1983 claims against those State of Montana or BSB officers who allegedly personally participated in entering Plaintiffs' homes.

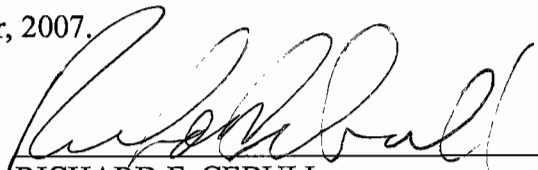
Upon service of a magistrate judge's findings and recommendation, a party has 10 days to file written objections. 28 U.S.C. § 636(b)(1). In this matter, no party filed objections to the November 7, 2007 Findings and Recommendations. Failure to object to a magistrate judge's findings and recommendation waives all objections to the findings of fact. *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1999). However, failure to object does not relieve this Court of its burden to review de novo the magistrate judge's conclusions of law. *Barilla v. Ervin*, 886 F.2d 1514, 1518 (9th Cir. 1989).

After review of the record and applicable law, the Court concludes that Magistrate Judge Ostby's Findings and Recommendations are well-grounded in law and fact. **IT IS HEREBY ORDERED** that they be adopted in their entirety.

IT IS FURTHER ORDERED that the State of Montana's Motion to Dismiss Amended Complaint (*Doc. 26*) and Butte-Silver Bow Unified Government's (BSB) Motion to Dismiss Plaintiffs' Amended Complaint (*Doc. 28*) are **GRANTED IN PART**. The following claims are **DISMISSED WITH PREJUDICE**: (1) all § 1985 claims; and (2) all § 1983 claims against the State of Montana, BSB, Mazurek, Menzies, and any individual in his or her official capacity.

The Clerk of Court shall notify the parties of the entry of this Order.

DATED the 11 day of December, 2007.


RICHARD F. CEBULL
UNITED STATES DISTRICT JUDGE